

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DONALD L. MOSHIER, JR.,**  
**Plaintiff**

**v.**

**JAMES SHERMAN, et al.,**  
**Defendants.**

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**C.A. No. 05-180 Erie**  
**District Judge McLaughlin**  
**Magistrate Judge Baxter**

**ORDER**

\_\_\_\_\_ On June 23, 2006, Defendants filed with this Court a motion for extension of time to file a response to the complaint [Document # 15]. Since the filing of Defendants' motion, however, Plaintiff has filed an amended complaint which was recently served on Defendants. As a result, Defendants no longer require an extension of time to file a response, as they now have twenty days from the date of service to file a response to the amended complaint.

AND NOW, this 8<sup>th</sup> day of August, 2006;

IT IS HEREBY ORDERED that Defendants' motion for extension of time [Document # 15] is dismissed as moot.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
Chief U.S. Magistrate Judge